

FILED



11:50 am, 11/28/23

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONALD OSTROM,

Defendant.

Case No. 22-cr-00060-NDF
Margaret Botkins
Clerk of Court

ORDER DENYING GOVERNMENT’S MOTION FOR JURY VIEW OF LIVESTOCK


THIS MATTER came before the Court on the *Government’s Motion for Jury View of Livestock*. The Government has requested that the Court grant an in-person viewing and eyewitness identification of the horses at issue in this matter by the jury.

“Whether the jury is permitted to view evidence outside the courtroom is a matter for the discretion of the trial court.” *United States v. Culpepper*, 834 F.2d 879, 883 (10th Cir. 1987). “A trial court acts within its discretion when it denies a motion for a jury view of a crime scene so long as sufficient evidence is available to describe the scene, such as testimony, diagrams, or photographs.” *United States v. Chiquito*, 175 F. App’x 215, 217 (10th Cir. 2006).

Here, the Court finds that a site visit is unnecessary because other sources of documentary evidence and witness testimony are available. The government is planning to call multiple witnesses who can describe the physical characteristics of each horse and offer their opinions on the identity of those horses. In addition, experts will describe the various brand markings on the horses. The government also has photographs, including closeups of distinct markings and physical characteristics of the horses. Lastly, a site visit would be time-consuming, logistically difficult, and create issues in maintaining a record of the proceeding.

The Court, being fully advised, hereby FINDS and ORDERS that the Motion is hereby **denied.**

DATED this 28th day of November, 2023.



NANCY D. FREUDENTHAL
UNITED STATES SENIOR DISTRICT JUDGE